

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
)
 v.) No. 05-4024-01-CR-C-NKL
)
)
MICHAEL WAYNE THORNTON,)
)
)
 Defendant.)

ORDER

On April 13, 2007, United States Magistrate Judge William A. Knox recommended, among other things, that defendant Michael Wayne Thornton be found, by a preponderance of the evidence, to be presently suffering from a mental disease or defect, rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). The parties have filed responses stating they have no objections to the recommendation.

A review of the record convinces the court that the recommendation is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of April 13, 2007, is adopted. [34] It is further

ORDERED that defendant Michael Wayne Thornton is found, by a preponderance of the evidence, to be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. It is further

ORDERED that the defendant be committed to the custody of the Attorney General, pursuant to 18 U.S.C. § 4241(d)(1), for a reasonable period of time, not to exceed four months, to attempt to restore the defendant to competence. It is further

ORDERED that prior to the expiration of the four-month period, the court be advised whether there is a substantial probability that in the foreseeable future defendant will attain the capacity to permit the trial to proceed, and whether commitment is necessary for an additional reasonable period of time until

- (a) his mental condition is so improved that trial may proceed; or
- (b) the pending charges against him are disposed of according to law;

whichever is earlier.

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: April 24, 2007
Jefferson City, Missouri